

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

IN RE: '318 PATENT  
INFRINGEMENT LITIGATION

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) Civ. Action No. 05-356-KAJ (consolidated)  
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**REDACTED DECLARATION OF BRIAN E. FARNAN IN SUPPORT OF  
DEFENDANTS BARR LABORATORIES, INC.'S AND BARR  
PHARMACEUTICALS, INC.'S RESPONSE IN OPPOSITION TO  
PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT  
REGARDING ANTICIPATION UNDER 35 U.S.C. § 102**

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Attorneys for Defendants Barr Laboratories,  
Inc. and Barr Pharmaceuticals, Inc.

Date: December 18, 2006

I, BRIAN E. FARNAN, declare under penalty of perjury under the laws of the State of Delaware that the following is true and correct:

1. I am one of the attorneys representing Barr Laboratories, Inc. and Barr Pharmaceuticals, Inc. (collectively "Barr") in this action. I submit this declaration in support Defendants Barr Laboratories, Inc.'s and Barr Pharmaceuticals, Inc.'s Response in Opposition to Plaintiffs' Motion for Partial Summary Judgment Regarding Anticipation Under 35 U.S.C. §102. I make this declaration based upon personal knowledge of which I am competent to testify.

2. A true and correct copy of the Sworn Affidavit of Dr. Allan I. Levey is attached hereto as Exhibit 1.

3. A true and correct copy of Dr. Allan I. Levey's *curriculum vitae* is attached hereto as Exhibit 2.

4. A true and correct copy of Dr. Allan I. Levey's Opening Expert Report is attached hereto as Exhibit 3.

5. A true and correct copy of excerpts of Dr. Allan I. Levey's Rebuttal Expert Report is attached hereto as Exhibit 4.

6. A true and correct copy of U.S. Patent No. 4,663,318 is attached hereto as Exhibit 5.

7. A true and correct copy of P.A. Bhasker's "Medical Management of Dementia" is attached hereto as Exhibit 6.

8. A true and correct copy of excerpts of the Deposition of Dr. Joseph Coyle is attached hereto as Exhibit 7.

9. A true and correct copy of excerpts of the Deposition of Dr. Howard Fillit is attached hereto as Exhibit 8.

10. A true and correct copy of excerpts of the Deposition of Dr. Murray Raskind is attached hereto as Exhibit 9.

11. A true and correct copy of excerpts of the Deposition of Dr. Jeffery Cummings is attached hereto as Exhibit 10.

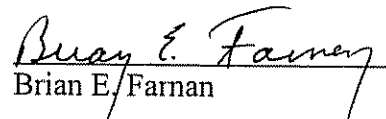
12. A true and correct copy of excerpts of the Deposition of Dr. Allan Levey is attached hereto as Exhibit 11.

13. A true and correct copy of excerpts of the Deposition of Dr. Edward Domino is attached hereto as Exhibit 12.

14. A true and correct copy of *Impax Labs. v. Aventis Pharm., Inc.*, No. 05-1313, 2006 WL 3346151 (Fed. Cir. Nov. 20, 2006) is attached hereto as Exhibit 13.

15. A true and correct copy of Defendants Barr Pharmaceuticals, Inc.'s and Barr Laboratories, Inc.'s Supplemental Objections and Response to Plaintiffs' Interrogatory No. 2 is attached hereto as Exhibit 14.

DATED: December 18, 2006

  
Brian E. Farnan